

DOCKET No. 1776-4021US5
EXPRESS MAIL CERTIFICATE No.
EV245491937US

Docket No. 1776-4021

COMBINED DECLARATION AND POWER OF ATTORNEY FOR
ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, A PROCESS FOR THE PREPARATION THEREOF, A PROCESS FOR THE PREPARATION OF A HIGHLY-PURIFIED FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, A HIGHLY-PURIFIED FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, AN ADDITIVE FOR FOOD-STUFFS, A RESIN COMPOSITION, AND A COMPOSITION FOR COSMETICS OR DETERGENTS

the specification of which

- a. ☒ is attached hereto
- b. ☐ was filed on _____ as application Serial No. _____ and was amended on _____ (if applicable).

PCT FILED APPLICATION ENTERING NATIONAL STAGE

- c. ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

☒ I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☐ The attached 35 U.S.C. § 119 claim for priority for the U.S. application(s) listed below forms a part of this declaration.

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| <u>Country</u> | <u>Application Number</u> | <u>Date of filing (day, month, yr)</u> | <u>Date of issue (day, month, yr)</u> | <u>Priority Claimed</u> |
|----------------|-------------------------------|--|---|-----------------------------|
| Japan | 227073/1995 | 11 August 1995 | | YES |
| Japan | 233180/1995 | 21 August 1995 | | YES |
| Japan | 344844/1995 | 6 December 1995 | | YES |
| Japan | 6743/1996 | 18 January 1996 | | YES |
| Japan | 8372/1996 | 22 January 1996 | | YES |
| Japan | 8373/1996 | 22 January 1996 | | YES |
| Japan | 10831/1996 | 25 January 1996 | | YES |
| Japan | 10832/1996 | 25 January 1996 | | YES |
| Japan | 16343/1996 | 1 February 1996 | | YES |
| Japan | 16344/1996 | 1 February 1996 | | YES |
| Japan | 16345/1996 | 1 February 1996 | | YES |
| Japan | 18579/1996 | 5 February 1996 | | YES |
| Japan | 18580/1996 | 5 February 1996 | | YES |
| Japan | 18581/1996 | 5 February 1996 | | YES |
| Japan | 22642/1996 | 8 February 1996 | | YES |
| Japan | 22643/1996 | 8 February 1996 | | YES |
| Japan | 22644/1996 | 8 February 1996 | | YES |
| Japan | 22645/1996 | 8 February 1996 | | YES |

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) listed below.

| Application Serial No. | Filing Date, | Status (patented, pending, abandoned) |
|------------------------|--------------|--|
|------------------------|--------------|--|

I hereby appoint the following attorneys and/or agents with full power of substitution and revocation, to prosecute this application, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith: John D. Foley (Reg. No. 16,836), John A. Diaz (Reg. No. 19,550), Thomas P. Dowling (Reg. No. 19,221), John C. Vassil (Reg. No. 19,098), Warren H. Rotert (Reg. No. 19,659), Alfred P. Ewert (Reg. No. 19,887), David H. Pfeffer, P.C. (Reg. No. 19,825), Harry C. Marcus (Reg. No. 22,390), Robert E. Paulson (Reg. No. 21,046), Stephen R. Smith (Reg. No. 22,615), Kurt E. Richter (Reg. No. 24,052), J. Robert Dailey (Reg. No. 27,434), Eugene Moroz (Reg. No. 25,237), John F. Sweeney (Reg. No. 27,471), Arnold I. Rady (Reg. No. 26,601), Christopher A. Hughes (Reg. No. 26,914), William S. Feiler (Reg. No. 26,728), Joseph A. Calvaruso (Reg. No. 28,287), James W. Gould (Reg. No. 28,859), Richard C. Komson (Reg. No. 27,913), Israel Blum (Reg. No. 26,710), Bartholomew Verdirame (Reg. No. 28,483), Maria C. H. Lin (Reg. No. 29,323), Joseph A. DeGirolamo (Reg. No. 28,595), Christopher E. Chalsen (Reg. No. 30,936), Michael A. Nicodema (Reg. No. 33,199), Michael P. Dougherty (Reg. No. 32,730), Seth J. Atlas (Reg. No. 32,454); Andrew M. Riddles (Reg. No. 31,657) and Eugene C. Rzucidlo (Reg. No. 31,900) of Morgan & Finnegan, L.L.P. whose address is: 345 Park Avenue, New York, New York 10154; and Edward A. Pennington (Reg. No. 32,588) of Morgan & Finnegan, L.L.P., whose address is: 1299 Pennsylvania Avenue, N.W., Suite 960, Washington, D.C. 20004.

208386 1

I hereby specify the following as the correspondence address to which all communications about this application are to be directed:

SEND CORRESPONDENCE TO:

MORGAN & FINNEGAN, L.L.P., 345 Park Avenue, New York, N.Y. 10154

DIRECT TELEPHONE CALLS TO: Eugene C. Rzucidlo
(212) 758-4800

Full name of sole or first inventor Toshio ENDO

Inventor's signature* Toshio Endo

date

Residence Kuba 4-13-5, Ohtake-shi, Hiroshima-ken, Japan

March 4, 1996

Citizenship Japan

Post Office Address _____

Full name of second joint inventor, if any Terumasa DAITO

Inventor's signature* Terumasa Daito

date

Residence 3-cho 4-1, Hamadera Minami-machi, Sakai-shi, Osaka-fu, Japan

March 7, 1996

Citizenship Japan

Post Office Address _____

[] ATTACHED IS ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS FORM.

* Before signing this declaration, each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

To the inventor(s):

The following are cited in or pertinent to the declaration attached to the accompanying application:

Title 37, Code of Federal Regulation, §1.56

Duty to disclose information material to patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Title 35, U.S. Code § 101

Inventions patentable

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Title 35 U.S. Code § 102

Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent,
- (b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other ...

Title 35, U.S. Code § 103

Conditions for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, U.S. Code § 112 (in part)

Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Title 35, U.S. Code, § 119

Benefit of earlier filing date in foreign country; right of priority

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

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Title 35, U.S. Code, § 120

Benefit or earlier filing date in the United States

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Please read carefully before signing the Declaration attached to the accompanying Application.

If you have any questions, please contact Morgan & Finnegan, L.L.P.

FORM: COMB-DEC.NY
Rev. 1/17/96

DOCKET NO. 1776-4021US5
EXPRESS MAIL CERTIFICATE NO.
EV245491937US



E. L. Rucido
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JULY 23, 1996

MORGAN & FINNEGAN, L.L.P.
EUGENE C. RZUCIDLO
345 PARK AVENUE
NEW YORK, NY 10154

PTAS RECEIVED
DOCKET DEPT



100185969A

JUL 29 1996

MORGAN & FINNEGAN

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/19/1996

REEL/FRAME: 7914/0467
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ENDO, TOSHIO

DOC DATE: 03/04/1996

ASSIGNOR:
DAITO, TERUMASA

DOC DATE: 03/07/1996

ASSIGNEE:
DAICEL CHEMICAL INDUSTRIES, LTD.
1-BANCHI, TEPPU-CHO, SAKAI-SHI, OSAKA-FU
OSAKA-FU, JAPAN

SERIAL NUMBER: 08618504
PATENT NUMBER:

FILING DATE: 03/19/1996
ISSUE DATE:

LAWAN FLETCHER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



05-03-1996



100185969

40/207

08/618504

Docket No. 1776-4021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Toshio ENDO et al

Serial No. : To be assigned

Group Art Unit: To be assigned

Filed : March 19, 1996

Examiner: To be assigned

For : A FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, A PROCESS FOR THE PREPARATION THEREOF, A PROCESS FOR THE PREPARATION OF A HIGHLY-PURIFIED FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, A HIGHLY-PURIFIED FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, AN ADDITIVE FOR FOOD-STUFFS, A RESIN COMPOSITION, AND A COMPOSITION FOR COSMETICS OR DETERGENTS

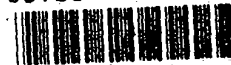
RECORDATION FORM COVER SHEET PURSUANT TO 37 C.F.R. § 1.331

Hon. Commissioner Of Patents and Trademarks
BOX ASSIGNMENTS
Washington, D.C. 20231

Sir:

Please record the attached original documents or copy thereof.

65705 U.S. PTO



05/02/96

1. Name of conveying party/parties:
Toshio ENDO and Terumasa DAITO

2. Name and address of receiving party/parties:

Name: DAICEL CHEMICAL INDUSTRIES, LTD.

Internal Address: _____

Street Address: 1-banchi, Teppo-cho, Sakai-shi, Osaka-fu, Japan

City Osaka-fu State Japan ZIP _____

Name: _____

Internal Address: _____

Street Address: _____

City _____ State _____ ZIP _____

[] Additional names and addresses attached.

111 05 03-27/96 08318504

1 501 10.00 00

MKD
5/19/96

Docket No. 1776-4021

3. Nature of Conveyance: ☒ Assignment ☐ Merger ☐ Security Agreement
☐ Change of Name ☐ Other _____
Execution Date: March 4 and 7, 1996
4. Application Number(s) or Patent Number(s):
☒ This document is being filed together with a new application which was executed on
March 4 & 7, 1996.
☐ Patent Application No.(s) _____

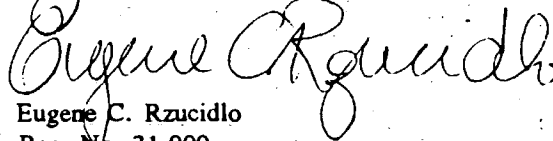
☐ Patent No.(s) _____

5. Address all future communications to:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
6. Total number of applications and patents involved: One
7. Total fee (37 CFR § 1.331): \$40.00 per property x 1 property(ies) = \$40.00
☒ A check in the amount of \$40.00 to cover the recordation fee is enclosed;
☐ Charge fee to Deposit Account No. 13-4500. Order No. _____
☒ The Commissioner is hereby authorized to charged any additional fees which may be required
for this recordation, or credit any overpayment to Deposit Account No. 13-4500. Order No.
1776-4021.
8. To the best of my knowledge and belief, the foregoing information is true and correct and any attached
copy is a true copy of the original document.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.



By: Eugene C. Rzucidlo
Reg. No. 31,900

Dated: March 19, 1996

Mailing Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
N w York, New York 10154
(212) 758-4800

Total number of pages comprising this cover sheet 3

08/618504

Docket No. 1776-4021

PATENT

ASSIGNMENT OF APPLICATION FOR PATENT

WHEREAS:

Toshio ENDO, Kuba 4-13-5, Ohtake-shi, Hiroshima-Ken, Japan

Terumasa DAITO, 3-cho 4-1, Hamadera Minami-machi, Sakai-shi, Osaka-fu, Japan

(full name(s) and post office address(s) of inventor(s) (including country))

(hereinafter referred to as ASSIGNOR(S)), has made a discovery or invention entitled:

A FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, A PROCESS FOR THE PREPARATION THEREOF, A PROCESS FOR THE PREPARATION OF A HIGHLY-PURIFIED FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, A HIGHLY-PURIFIED FATTY ACID ESTERS COMPOSITION OF A POLYGLYCERINE, AN ADDITIVE FOR FOOD-STUFFS, A RESIN COMPOSITION, AND A COMPOSITION FOR COSMETICS OR DETERGENTS

(title of discovery or invention)

☒ for which application for Letters Patent of the United States has been executed on even date herewith,

☐ for which application for Letters Patent of the United States has been filed on _____, under Serial No. _____, and

WHEREAS:

DAICEL CHEMICAL INDUSTRIES, LTD., 1-banchi, Teppo-cho, Sakai-shi, Osaka-fu, Japan

(name and address of assignee)

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR(S) of the sum of One Dollar (\$[1.00]), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR(S) hereby sells, assigns and transfers to ASSIGNEE, its successors, legal representatives and assigns, the full and exclusive right, title and interest to said discovery or invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

I, SAID ASSIGNOR(S), hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any Official of any country or countries foreign to the United States of America whose duty it is to issue Letters Patent on applications as aforesaid, to issue all such Letters Patent for said discovery or invention to the ASSIGNEE, as assignee of the entire right, title and interest in, to and under the same, for the sole use and behoof of the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

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I, SAID, ASSIGNOR(S), hereby covenant that I have full right to convey the entire right, title and interest herein sold, assigned, transferred and set over;

AND I, SAID ASSIGNOR(S) hereby further covenant and agree that the ASSIGNEE, its successors, legal representatives, or assigns, may apply for foreign Letters Patent on said discovery or invention and claim the benefits of the International Convention, and that I will, at any time, when called upon to do so by the ASSIGNEE, its successors, legal representatives, or assigns, communicate to the ASSIGNEE, its successors, legal representatives, or assigns, as the case may be, any facts known to me respecting said discovery or invention, and execute and deliver any and all lawful papers that may be necessary or desirable to perfect the title to the said discovery or invention, the said applications and the said Letters Patent in the ASSIGNEE, its successors, legal representatives and assigns, and that if reissues of the said Letters Patent or disclaimers relating thereto, or divisions, continuations, or refilings of the said applications, or any thereof, shall hereafter be desired by the ASSIGNEE, its successors, legal representatives, or assigns, I will, at any time, when called upon to do so by the ASSIGNEE its successors, legal representatives, or assigns, sign all lawful papers, make all rightful oaths, execute and deliver all such disclaimers and all divisional, continuation and reissue applications so desired, and do all lawful acts requisite for the application for such reissues and the procuring thereof and for the filing of such disclaimers and such applications, and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention or discovery in all countries, all without further compensation but at the expense of the ASSIGNEE, its successors, legal representatives and assigns.

Assignor's signature: Toshio Endo
First name Middle initial Last name

Citizenship: Japan

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 4 day of March, 1996.

STATE OF _____)
ss.:
COUNTY OF Japan)

On this _____ day of _____, 19____, before me, the undersigned authority, personally appeared

to me known and known to me to be the individual who is described in and who executed the foregoing Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for the uses and purposed therein specified.

Notary Public

DOCKET No. 1776-4021US5
EXPRESS MAIL CERTIFICATE NO.
EV245491937US

Docket No. 1776-4021

Assignor's signature: Terumasa Daito
First name Middle initial Last name

Citizenship: Japan

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 7 day of March, 1996.

STATE OF)
COUNTY OF Japan)
ss.:

On this _____ day of _____, 19____, before me, the undersigned authority, personally appeared
to me known and known to me to be the individual who is described in and who executed the foregoing
Assignment, and who duly acknowledged to me that he executed the same as his own voluntary act and deed for
th uses and purposed therein specified.

Notary Public